

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. SPRINT COMMUNICATIONS COMPANY, L.P., Respondent.	DOCKET NO. FCU-04-3
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ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE

(Issued February 20, 2004)

On January 20, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties against Sprint Communications Company, L.P. (Sprint), pursuant to Iowa Code § 476.103 (2003), for an alleged violation of the Board's slamming rules.

On February 4, 2004, Sprint filed a response to Consumer Advocate's petition stating that while the facts of the matter indicate a misunderstanding between Sprint and the complaining customer, such a misunderstanding does not rise to the level of fraud as alleged by Consumer Advocate. Sprint also stated that it contacted the

complaining customer and worked out a resolution to the customer's satisfaction, which included a full credit to the customer's account.

On February 13, 2004, the Board issued an order docketing Consumer Advocate's petition as a formal proceeding, identified as Docket No. FCU-04-3. At the time the order was issued, the Board was unaware that Sprint had filed its response to Consumer Advocate's petition and directed Sprint to respond to the allegations raised in the petition. Sprint's response filed on February 4, 2004, adequately responds to all of Consumer Advocate's allegations.

In its February 13, 2004, order, the Board determined that there is sufficient information to warrant further investigation in this matter. Sprint did not provide any new information in its February 4, 2004, response that would alter the Board's initial determination. Therefore, pursuant to Iowa Code § 17A.11(1)"b" (2003) and 199 IAC 7.1(4), the Board will assign this matter to an administrative law judge (ALJ) for further proceedings. The ALJ will, among other things, set a hearing date, preside at hearing, and issue a proposed decision.

IT IS THEREFORE ORDERED:

Pursuant to Iowa Code § 17A.11(1)"b" and 199 IAC 7.1(4), this docket is assigned to the Board's administrative law judge, Amy Christensen, to conduct a

hearing and issue a proposed decision. The administrative law judge shall have the authority provided under 199 IAC 7.1(4)"a" through "j."

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of February, 2004.